

U.S. Patent Application Serial No. 09/964,894
Response dated November 22, 2004

REMARKS

Claims 4-7 are pending in this application.

The support for the amendment to claim 4 is found on p.5, lines 6-7 of the specification.

In view of amended claim 4 and comparative experimental data demonstrating the unexpected superiority of the above range which will follow in the next couple of weeks, further and favorable consideration is respectfully requested.

Claims 4-7, have been rejected under 35 USC § 103(a), as being unpatentable over Anazawa et al. (US Patent No: 5,192,320) in view of Kashiwabara et al (EP-1057492) and Motomura et al. (EP-0769503). (page 2, paragraph 2, of the Office Action)

Anazawa is directed to an artificial lung and a method of using it. The artificial lung performs the exchange of gases between blood and a gas through a homogeneous membrane by passing blood over one side of the membrane and oxygen over the other side. The membrane is a hollow fiber membrane composed of polyolefin and has an oxygen flux of at least 1×10^{-6} and more preferably 5×10^{-5} to 1×10^{-3} ($\text{cm}^3(\text{STP})/(\text{cm}^2.\text{sec.cmHg})$).

Claim 4 has been amended to recite an oxygen permeation rate $Q(\text{O}_2)$ at 25°C of from 5×10^{-4} to 2×10^{-3} ($\text{cm}^3(\text{STP})/(\text{cm}^2.\text{sec.cmHg})$).

The Applicants will be submitting empirical evidence as to the unexpected superiority of the claimed range over the references in the next couple of weeks. This will support the showing that the combination of Anazawa with Kashiwabara and/or Motomura, is improper because of the unexpected results and thus unobviousness of the claimed invention.

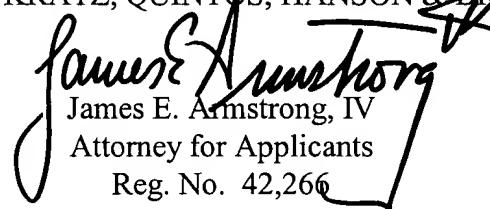
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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